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7	UNITED STATES DISTRICT COURT WESTERN DISTRICT OF WASHINGTON	
8	AT SEATTLE	
9	MARK DEMOS,	
10	ŕ	CASE NO. C03-3243-RSL-MJB
	Petitioner,	
11	ν.	ORDER OF TRANSFER TO THE
12	MICHAEL CHERTOFF, et al.,	UNITED STATES COURT OF APPEALS FOR THE NINTH
13	Respondents.	CIRCUIT AS A PETITION FOR REVIEW
14		
15	The Court, having reviewed petitioner's 28 U.S.C. § 2241 petition (Dkt. #1), all papers	
16	and exhibits in support and in opposition to that petition, the Report and Recommendation of	
17	the Honorable Monica J. Benton, United States Magistrate Judge, and the remaining record,	
18		
19	does hereby find and ORDER:	
20	(1) The Court adopts the Report and Recommendation.	
21	(2) This Court is without jurisdiction to consider petitioner's challenge to his	
22	exclusion order. Accordingly, this action is hereby TRANSFERRED to the	
	United States Court of Appeals for the Ninth Circuit as a Petition For Review	
23	pursuant to Section 106(c) of the REAL ID Act of 2005, Pub. L. No. 109-13,	
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Case 2:03-cv-03243-RSL Document 32 Filed 09/08/05 Page 2 of 2 Page 2 of 2 Document 31-2 Filed 08/01/2005 Case 2:03-cv-03243-RSL Ţ 119 Stat. 231. 2 (3) Respondents are temporarily enjoined from removing petitioner from the United 3 States pending further order of the United States Court of Appeals for the Ninth 4 Circuit. (Dkt. #5). 5 **(4)** The Clerk is directed to TERMINATE this case and TRANSFER all pleadings 6 and related documents to the Ninth Circuit Court of Appeals. The Clerk shall, 7 however, retain a copy of the Court's electronic file. The Clerk is further 8 directed to send copies of this Order to all counsel of record, and to Judge 9 Benton. 10 DATED this 6 day of Sept., 2005. 11 WS Casaik 12

> ROBERT S. LASNIK United States District Judge

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